

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 12 CR 109
	)	The Hon. Sharon Johnson Coleman
HEON SEOK LEE	)	

**DEFENDANT HEON SEOK LEE'S  
REPORT REGARDING THE PARTIES' AGREEMENTS  
AS TO PRETRIAL DISCLOSURE AND FILINGS**

Now comes the Defendant Heon Seok Lee, by his attorneys Susan Shatz and Cynthia Giacchetti, and hereby sets forth defense counsel's understanding of agreements made with the Government, represented by AUSA Patrick M. Otlewski, as to certain pretrial disclosures and filings. These agreements, of course, are subject to this Court's approval:

1. **BILL OF PARTICULARS:** In lieu of a Bill of Particulars, the Government (1) has provided defense counsel with the names of persons referred to by initials in the Indictment and (2) has provided defense counsel with documents identifying all municipalities alleged to be victims of the charged scheme to defraud.

2. **SANTIAGO PROFFER:** The Government's *Santiago* proffer will be filed at least 2 weeks prior to the start of trial.

3. **404(b) EVIDENCE:** The Government's Notice of evidence it intends to offer under Rule of Evidence 404(b) will be filed at least 2 weeks prior to the start of trial.

4. 3500 MATERIAL: The Government will provide materials required by 18 U.S.C. §3500 at least two weeks prior to the start of trial, unless (1) such materials are obtained less than two weeks before trial or (2) information is withheld because of concerns of witness safety, in which case defense counsel will be notified that such materials are being withheld.

5. EXPERT DISCLOSURE: The parties have agreed to reciprocal disclosure of experts six weeks before start of trial.

6. 608(b) DISCLOSURE: The parties have agreed to reciprocal disclosure of intention to cross examination any witness, including the Defendant, regarding specific instances of conduct under Federal Rule of Evidence 608(b).

7. SUMMARY CHARTS: The parties are still in discussion regarding production of draft summary charts but anticipate this issue will also be resolved between the parties.

8. AGENT'S WRITTEN NOTES: The Government has agreed to preserve written notes of government agents to the extent they exist.

WHEREFORE, Defendant Heon Seok Lee respectfully provides this report setting forth defense counsel's understanding of the parties' agreements for the purpose of confirmation of those agreements by the Government and approval of those agreements by the Court.

Respectfully submitted,

*/s/Cynthia Giacchetti*

CYNTHIA GIACCHETTI

One of the Attorneys for Defendant Heon Seok Lee

CYNTHIA GIACCHETTI  
53 West Jackson, Suite 1460  
Chicago, Illinois 60604  
312-939-6440

**CERTIFICATE OF SERVICE**

Cynthia Giacchetti, one of the attorneys for the Defendant Heon Seok Lee hereby certifies that Defendant Heon Seok Lee's Report Regarding the Parties' Agreements As to Pretrial Disclosure and Filings was served on all parties on January 7, 2016, in accordance with Fed.R.Crim.P. 49, Fed.R.Civ.P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

s/ Cynthia Giacchetti